

REMARKS/ARGUMENTS

This is in response to the final official action dated September 26, 2007 and a request for reconsideration.

Applicants request reconsideration of claim 1 in view of the arguments below. Claim 2 (as well as the remaining claims) was held allowable if rewritten in independent form. Such amendment is enclosed above.

Claim rejections under 35 USC § 102

The Examiner rejected Claim 1 as being anticipated by Röck (4,351,575). She stated that Röck would teach a pull-out guide (Fig. 8) having a carcass rail (3), an intermediate rail (2), a running rail (1) and an anti-friction bearings (4,5)) in between the rails. The bearing includes rollers (6) which are horizontally offset with respect to each other and run on the same track (2'); on opposite sides thereof. Applicant agrees that this reference discloses (see the embodiments shown in Figs. 4, 8, 10 and 14) indeed rollers mounted in the same cage which are offset with respect to one another laterally, but the offset rollers do not roll on the same tracks. The rollers rolling on the same tracks are aligned in the pull out direction. Rather the rollers arranged on a different track are arranged laterally offset. In contrast, claim 1 of applicants' invention requires

"at least some of the cylindrical rollers (30) are mounted so as to be rotatable about the horizontal axis and are disposed in the respectively associated cage (22) so as to be offset with respect to one another laterally in the direction of their longitudinal central axes relative to other rollers (30) which are mounted in the same cage (22) so as to be rotatable about the horizontal axis and roll on the same tracks in each case."

Applicants point out to the Examiner that the corresponding Röck reference (AT 360 699) was cited in the International Search Report of the International Application of which the present application is the National Phase. Based on that reference, the independent claim was amended to include "rolling on the same tracks in each case". During the International Preliminary Examination, the thus amended claim was considered novel. (see PCT International Preliminary Examination Report, submitted with the Response to Office Action of July 18, 2007).

In addition, the corresponding European Patent issues with claims having the same limitation

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as discussed above (EP 1 519 666B1). It was held that the distinctive feature "rolling on the same tracks in each case" was distinguishing over the corresponding Röck reference (AT 360 699).

Accordingly, Applicants submit that claim 1 as amended previously is distinguishable over the reference of Röck (US '675) and requests that the rejection should be withdrawn and the case pass to issue.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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